

OGC 65-0439

OGC Has Reviewed

**MEMORANDUM FOR: Chief, Personnel Security Division,  
Office of Security**

**SUBJECT: Application of Federal Tort Claims Act  
to Agency Employees**

1. You have requested the Office of General Counsel to assist your office in preparing instructions for the guidance of Agency employees involved in accidents while driving personally owned vehicles (POV's) on Government business.

2. The Federal Tort Claims Act provides that the United States Government is liable for the negligence of its employees who, in the course of their employment, cause personal injury or property damage to others. Thus, when an Agency employee negligently operates either a Government-owned vehicle or a POV, the United States Government may be liable for any damages caused thereby. *7  
while on  
official  
business*

3. The Office of General Counsel suggests that interested employees be advised that dealings with the other party to such an accident be handled just as they would be if the employee had not been involved in Government business at the time of the accident. The employee should feel free to inform the other party of the identity of his insurance carrier, and he should advise his insurance carrier of the accident. In the absence of a direct question by the insurance agent, the employee need not volunteer the information that at the time of the accident he was a Government employee engaged in official Government business.

4. As soon as practicable the employee involved in the accident should advise the Office of Security and the Office of General Counsel of its nature and attendant circumstances. This will be done through appropriate channels, either in person or by submission of Form 91, whichever experience proves better. The Office of General Counsel will then determine the possible liability of the insurance carrier vis-a-vis the Government. If it is determined that the carrier is liable, the Office of General Counsel will take no further action; alternatively, if the Government is deemed liable, the Office of General Counsel will so advise the insurance carrier and will process the claim either on its own, through the appropriate U. S. Attorney's Office, or in collaboration with the General Counsel's Office of another

STATINTL

[REDACTED]  
Office of General Counsel

STATINTL

cc: Office of Logistics [REDACTED]

STATINTL

OGC:PJC:ibm

O&I - Addressee

- 1 - Subj - Vehicles
- 1 - PJC Signer
- 1 - Chrono
- 1 - Circ

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SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED		CONFIDENTIAL	SECRET
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	INITIALS	DATE
1	Office of General Counsel		
2	Attn: [REDACTED]		
3			
4			
5			
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks:			
<p>If understand that OGC is studying this problem now preparatory to the issuance of a legal position. It would be appreciated if you would review this proposed Book Dispatch at the same time to determine whether the position taken therein is consistent with the OGC legal position.</p>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
Sgt. J. J. C. [REDACTED]			3/2/65

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